

HOUSE BILL No. 1552

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-30-20.

Synopsis: Civil immunity for volunteers. Grants civil immunity from liability for civil damages resulting from a negligent act or omission of a volunteer other than an act or omission related to the operation of a motor vehicle. Limits the maximum liability for the operation of a motor vehicle by a volunteer to the limits of the insurance coverage maintained by or for the volunteer.

Effective: October 1, 1999.

Frizzell

January 19, 1999, read first time and referred to Committee on Judiciary.



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Introduced

First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

HOUSE BILL No. 1552

A BILL FOR AN ACT to amend the Indiana Code concerning civil law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-30-20 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 OCTOBER 1, 1999]:

4 **Chapter 11.2. Immunity From Civil Liability of Volunteers**

5 **Sec. 1. As used in this chapter, "governmental entity" means an**
6 **entity that exercises any of the governmental powers of the state,**
7 **a political subdivision (as defined in IC 36-1-2-13), or another local**
8 **governmental entity. The term includes a task force, an elected**
9 **official, and an association of governmental officials or entities.**

10 **Sec. 2. As used in this chapter, "nonprofit corporation" means**
11 **a corporation that is exempt from federal taxation under Section**
12 **501(a) of the Internal Revenue Code (26 U.S.C. 501(a), as**
13 **amended).**

14 **Sec. 3. As used in this chapter, "nonprofit organization" means**
15 **an organization that is exempt from federal taxation under Section**
16 **501(c) of the Internal Revenue Code (26 U.S.C. 501(c), as**
17 **amended).**

1999

IN 1552—LS 7876/DI 51+



1 **Sec. 4. As used in this chapter, "volunteer" means a person**
2 **performing services for a nonprofit organization, a nonprofit**
3 **corporation, a hospital, or a governmental entity without**
4 **compensation other than reimbursement for the actual expenses of**
5 **the person. The term includes a volunteer serving as a director, an**
6 **officer, a trustee, or a direct service volunteer.**

7 **Sec. 5. Except as provided by this chapter, a volunteer is not**
8 **liable for civil damages as a result of an act or omission of the**
9 **volunteer if:**

10 **(1) the volunteer was acting in good faith and within the scope**
11 **of the volunteer's official functions and duties for a nonprofit**
12 **organization, nonprofit corporation, hospital, or**
13 **governmental entity; and**

14 **(2) the damage or injury was not caused by willful or wanton**
15 **misconduct by the volunteer.**

16 **Sec. 6. This chapter does not exempt a hospital from liability**
17 **that the hospital would otherwise have for the negligent act of a**
18 **volunteer.**

19 **Sec. 7. This chapter does not grant immunity to a volunteer for**
20 **an act or omission involving the operation of a motor vehicle.**
21 **However, the liability of the volunteer does not exceed the limits of**
22 **the applicable insurance coverage maintained by or on behalf of**
23 **the volunteer with respect to the negligent operation of a motor**
24 **vehicle in the circumstances.**

25 **SECTION 2. [EFFECTIVE OCTOBER 1, 1999] IC 34-30-20, as**
26 **added by this act, applies to all causes of action commenced after**
27 **September 30, 1999, regardless of when the cause of action**
28 **accrued.**

